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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, }
15 Plaintiff, }
16 v. } No. CV 09 2277 MMC

17 Approximately \$4,138.00 in United States }
18 Currency; One (1) 2005 Mercedes Benz }
19 Unimog U5001s Truck (VIN # WD6DE4CS454208791); One (1) 2007 }
Kubota RTV1100 Utility Vehicle (VIN # -)
20 KRTV110071012016); One (1) 2008 Toyota)
21 Tacoma (VIN # - 5TELU42N38Z50138);)
One (1) MQ Power Whisperwatt Ultra-silent)
45KW Diesel Generator - Serial # 8201325;)
One (1) Kubota Three Phase Diesel)
Generator - Serial # H12066; and One (1))
Kubota 20KW Three Phase Diesel Phase)
Generator - Serial # 104068,)
Defendants.

CONSENT ORDER OF SETTLEMENT

25 MATTHEW GRAVES, }
26 Claimant }

1 **CONSENT ORDER OF SETTLEMENT AND FORFEITURE**

2 WHEREAS, on May 22, 2009, the United States filed a complaint for forfeiture of certain
3 personal property, United States currency, and vehicles seized (hereinafter known as "defendant
4 assets") as a result of the investigation conducted by the federal Drug Enforcement
5 Administration ("DEA) and other state, local and federal law enforcement agencies;

6 WHEREAS, notice of this action has been given by publication and the only claim 27
7 submitted with respect to the defendant assets is that of MATTHEW GRAVES, filed on June 29,
8 2009;

9 WHEREAS, pursuant to the settlement negotiations among the parties, MATTHEW
10 GRAVES agrees to withdraw his claim with respect to the following defendant assets:
11 Approximately \$4,138.00 in United States Currency, One (1) 2007 Kubota RTV1100 Utility
12 Vehicle (VIN # - KRTV110071012016), One (1) MQ Power Whisperwatt Ultra-silent 45KW
13 Diesel Generator - Serial # 8201325 and One (1) Kubota Three Phase Diesel Generator - Serial #
14 H12066, in any administrative or judicial forfeiture proceeding;

15 WHEREAS, pursuant to the settlement negotiations among the parties, the United States
16 agrees to release to MATTHEW GRAVES, the remaining defendant assets, One (1) 2005
17 Mercedes Benz Unimog U5001s Truck (VIN # WD6DE4CS454208791), One (1) 2008 Toyota
18 Tacoma (VIN # - 5TELU42N38Z50138), and and One (1) Kubota 20KW Three Phase Diesel
19 Phase Generator - Serial # 104068.

20 WHEREAS, the parties agree that the United States and MATTHEW GRAVES will each
21 bear its own attorney costs and fees related to this matter.

22 AND WHEREAS, it appearing to the court from the endorsement of the parties, that the
23 parties have agreed to a resolution of this matter with respect to the defendant assets, and
24 deeming it proper to do so;

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1 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

2 1. Notice of this action having been given by publication and there being only the claim
3 filed by MATTHEW GRAVES, the default of all persons or entities other than MATTHEW
4 GRAVES is entered.

5 2. Defendant asset, Approximately \$4,138.00 in United States Currency is forfeited to the
6 United States pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any other party.

7 3. Defendant asset, One (1) 2007 Kubota RTV1100 Utility Vehicle (VIN # -
8 KRTV110071012016) is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4), free
9 from the claims of any other party.

10 4. Defendant assets, One (1) MQ Power Whisperwatt Ultra-silent 45KW Diesel
11 Generator - Serial # 8201325 and One (1) Kubota Three Phase Diesel Generator - Serial #
12 H12066 are forfeited to the United States pursuant to 21 U.S.C. § 881(a)(2), free from the claims
13 of any other party.

14 5. Defendant assets, One (1) 2005 Mercedes Benz Unimog U5001s Truck (VIN #
15 WD6DE4CS454208791), One (1) 2008 Toyota Tacoma (VIN # - 5TELU42N38Z50138), and
16 One (1) Kubota 20KW Three Phase Diesel Phase Generator - Serial # 104068, shall be returned
17 by the United States to MATTHEW GRAVES.

18 6. The United States shall dispose of the forfeited defendant assets listed in paragraph
19 four (4) in accordance with the law.

20 7. MATTHEW GRAVES releases the United States of America and all of its respective
21 agencies, officers, agents, and employees from any claims or actions, including that for attorney
22 fees or cost or interest, concerning the seizure and custody of the defendant assets.

23 8. The United States releases MATTHEW GRAVES from any claims or actions,
24 including that for attorney fees or costs or interest, concerning the seizure and custody of the
25 defendant currency.

26 9. The parties agree that this Consent Order of Settlement is the result of a compromise,
27 and shall not, by any person, at any time or for any purpose be considered an admission of
28 liability or responsibility, or of the truth of any allegation of any party, at any time, for any

1 purpose, in any form or in any amount.

2 10. The parties to this action shall execute any documents necessary or proper to
3 effectuate the terms of this Order and upon entry of this Order the case shall be dismissed with
4 prejudice.

5
6 November 16, 2012

7 Date

Maxine M. Chesney
DISTRICT COURT JUDGE, MAXINE M. CHESNEY

8 WE ASK FOR THIS:

9
10 
11 ARVON J. PERTEET

12 Assistant United States Attorney

13 
14 DAVID MICHAEL
15 Counsel for Claimant, MATTHEW GRAVES